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NOTIFICATIONS RELATING TO THE ADMINISTRATION OF PANCHAYAT RAJ

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TELANGANA STATE ELECTION COMMISSION

2ND ORDINARY ELECTION TO MUNICIPALITIES AND MUNICIPAL CORPORATIONS, 2026 – DISCIPLINARY PROCEEDINGS AGAINST OFFCIALS APPOINTED FOR ELECTION RELATED ACTIVITIES – DISCIPLINARY JURISDICTION OF STATE ELECTION COMMISSION.

No. 64/TGSEC-L/2026 :-

Under Article 243-K and 243-ZA of the Constitution of India superintendence, direction and control of the preparation of the electoral rolls and the conduct of Elections to Urban Local Bodies shall be vested in the State Election Commission. Conduct of election and preparation of electoral rolls involve diverse activities at various levels which require sizable number of officials and field level functionaries of the State Government involved in such exercises. For this purpose, Article 243-K(3) further provides that the Governor of the State, shall, when so requested by the State Election Commission; make available such staff as may be necessary for the discharge of the above functions conferred on the State Election Commission.

In pursuance of the above constitutional provisions and Rule 3 of the Telangana Municipalities and Municipal Corporations (Conduct of Election of Members) Rules, 2019, the State Election Commission issued Notifications specifying a well defined structure of electoral machinery.

In this connection, attention is invited to Section 231 of Telangana Municipalities Act, 2019 which is reproduced as under:

"(1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(i) The District Election Authority, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission."

In view of the above said Section, all the State Govt. officials who have been involved in elections in any capacity, also shall deemed to be on deputation to the Commission. These include the Chief Secretary, Home Secretary and all police officers/ police personnel staring from the DGP/ IGP/ Commissioner of police at the top level to Inspectors, Sub Inspectors and Constables (including home guards). They are thus by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Commission, for any act of Commission on their part while performing any election related duties.

In exercise of the powers conferred by the Articles 243-K and 243-ZA of the Constitution of India and Section 231 of Telangana Municipalities Act, 2019 and the order dated 21.09.2000 of the Hon'ble Supreme Court, in WP(C) No, 606 of 1993 (Election Commission of India Vs Union of India and others) read with order dated:19.10.2006 of the Court in Appeal (Civil) 5756 of 2005 (Kishan Singh Tomar Vs. Municipal Corporation of The City of Ahmedabad), wherein it is clarified that, the powers of State Election Commission under Article 243-K and 243-ZA in respect of conduct of elections to local bodies are no less than the powers of Election Commission of India under Article 324 in their respective domains, the Telangana State Election Commission specifies its disciplinary functions as follows,-

(a) Suspending any officer/official/police personnel for insubordination or dereliction of duty:

(b) Substituting any officer/official/police personnel by another such person and returning the substituted individual to the cadre to which he belongs with appropriate report on his conduct:

(c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the State Election Commission, within a period of six months from the date of the State Election Commission's recommendations:

(d) Competent authority shall obtain the Commission's consent before reinstating any officer who is placed under suspension on the orders of the Commission.

Therefore, attention of all the Authorities concerned including DEAs/SPs/CPs and other officers engaged for election related work is drawn to the above disciplinary functions of the Commission for strict compliance.

Hyderabad,
06-04-2024.

I. RANI KUMIDINI,
State Election Commissioner.

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